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KUNEMUND

From: DAVID WEITZ, REG. NO. 38,362

FAX NUMBER: (703) 872-9306

DATE: OCTOBER 1, 2003

COMPANY: U.S. PATENT AND TRADEMARK
OFFICE

TOTAL NO. OF PAGES INCLUDING COVER: 5

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SENDER'S PHONE NUMBER:

(858) 731-3508

RE: U.S. APPLICATION SERIAL NO.
10/060,922-IDS

SENDER'S FAX NUMBER:

(858) 550-0992

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

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PHONE: (858) 731-3508 • FAX: (858) 550-0992

PATENT
SYRTECH-5002-C9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Peter R. David

Serial No.: 10/060,922

Filed: January 29, 2002

For: MICROVOLUME DEVICE
EMPLOYING FLUID MOVEMENT
BY CENTRIFUGAL FORCE

Group Art Unit: 1765

Examiner: Robert M. Kunemund

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. As Applicant believes that a copy of each of the items identified on the attached form PTO-1449 have previously been made of record for this application, copies are not being submitted with this IDS. However, if the Examiner would like copies of the cited references, Applicant will provide the references upon request.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35

CERTIFICATE OF MAILING
(Via Facsimile)

I hereby certify that this paper (along with any referred to as being attached) is being transmitted via facsimile to Facsimile No. (703) 872-9306 on the date shown below addressed to the Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

October 1, 2003
Date of Deposit

Linda Johnson
Name of Person Mailing Paper

Linda Johnson
Signature of Person Mailing Paper

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USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

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☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☐ Please charge to Deposit Account No. 50-2256 for the above fee(s).

Although Applicant does not believe any fees are required, the Commissioner is authorized to charge any fees required by the filing of these papers to Syrrx's Deposit Account No. 50-2256.

Respectfully submitted,

SYRRX, INC.

Dated: October 1, 2003

By: _____

David J. Weitz

David J. Weitz

Reg. No. 38,362

General Counsel, V.P. of Intellectual
Property and Secretary

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 1		Complete if Known	
		Application Number	10/060,922
		Filing Date	January 29, 2002
		First Named Inventor	Peter R. David
		Group Art Unit	1765
		Examiner Name	Robert M. Kunemund
		Attorney Docket Number	SYRTECH-5002-C9

U.S. PATENT DOCUMENTS						
Examiner initials *	Cite No. ¹	Document Number	Publication Date/ Filing Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number - Kind Code ² (if known)				
	AA	US- 5,833,860	11-10-1998	Kopaciewicz et al.		
	AB	US- 6,220,075	04-24-2001	Papen et al.		
	AC	US- 2002/0137218-A1	09-26-2002	Mian et al.		
	AD	US- 2002/0189530-A1	12-19-2002	David		
	AE	US- 2002/0195047-A1	12-26-2002	David		
	AF	US- 2002/0195051-A1	12-26-2002	David		
	AG	US- 2002/0195052-A1	12-26-2002	David		
	AH	US- 6,527,432	03-04-2003	Kellogg et al.		
	AI	US- 2003/0154910-A1	08-21-2003	David		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AU	Sanjoh et al., "Spatiotemporal protein crystal growth studies using microfluidic silicon devices", Journal of Crystal Growth Vol. 196 (1999) pages 691-702.	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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